

COUNCIL CHAMBERS -- CITY COUNCIL
CITY HALL -- CITY OF LODI
Monday, August 21, 1933 -

This regular meeting of the City Council of the City of Lodi was called to order at 8 o'clock P.M. on the date first above written, Councilmen Clark, Keagle, Spooner, Weihe and Steele (Mayor) present, none absent.

The minutes of the last meeting of the Council held August 7, 1933 were read, approved as read and so endorsed by the Mayor.

No persons appearing at this time, the order of Public Hearings was passed and the Council proceeded to hear communications and reports :

A. A. Schauer applied by letter for a position at the City Sewage Disposal Plant if and when a vacancy should occur.

Lodi Business & Professional Women's Club applied by letter for permission to use Lawrence Park on the evening of August 28, 1933. Application ordered granted.

The Clerk read a letter from State Compensation Insurance Fund notifying the City that the basic rate for the members of Lodi Volunteer Fire Department would be raised to \$10.41 per member after August 21st, 1931 owing to the adoption of S.B.No. 1042 in the last Legislature. The Clerk was ordered to obtain a complete list of all active firemen, eliminating all unnecessary men, and transmit it to the insurance carrier for the City at once.

The Library Budget for the fiscal year 1933-34 was presented and ordered filed until the general budget was under consideration.

Otto Barth was granted a license to distribute lawful malt and vinous liquors to re-tailers for resale.

The action of the Council informally on August 14th in regard to the installation of approaches to the proposed service station on the Southwest corner of School and Elm Streets by which the walk was to be brought to grade and the work to be done under the direction of the Acting City Engineer was approved on motion of Councilman Spooner, Keagle second.

Five building permits totalling \$7,225.00 were granted.

Bills in the amount of \$2,470.08 as approved by the Finance Committee were allowed and ordered paid.

In furtherance of the City's plans to erect an additional water tower of approximately 1,000,000 gallons capacity, the following Resolution No. 684 was introduced by Councilman Spooner, Weihe second :-

RESOLUTION No. 684

WHEREAS the City of Lodi has been and is considering the feasibility of constructing an additional water tank of approximately one million gallons capacity as an addition or adjunct to its present municipally owned water production and distribution system; and

WHEREAS in order to intelligently consider and decide upon the said improvement it is necessary and proper that certain engineering work as hereinafter ordered be done.

NOW THEREFORE, BE IT RESOLVED: That Walter L. Huber, Consulting Engineer of San Francisco, California, is hereby employed by the said City of Lodi for the purpose of reporting upon the feasibility of constructing the said water tank, the uses and

COUNCIL CHAMBERS -- CITY COUNCIL
CITY HALL -- CITY OF LODI

necessities for the same, and to present and submit to the City Council of said City plans and specifications for the construction of said water tank, and to supervise the construction of said tank and to finally pass on and approve same when erected.

BE IT FURTHER RESOLVED: That said Walter L. Huber, said Consulting Engineer, is hereby authorized and directed to report to said City Council upon the probable cost of the construction of said water tank; and that the Mayor of the City of Lodi is hereby authorized to obtain from said Walter L. Huber such assistance as to the said Mayor may seem necessary and proper in obtaining from the National Industrial Recovery Board (heretofore created under and by virtue of an Act of Congress of the United States entitled "National Industrial Recovery Act") a loan and grant sufficient for the purpose of covering the cost of the construction of said water tank.

BE IT FURTHER RESOLVED: That for services thus to be performed by said Walter L. Huber he shall be paid by the City of Lodi at the rate of \$50.00 per day for each and every day which he may consume in the performance of said work and at the same rate for all fractional parts of days thus to be consumed, and that the Mayor and City Clerk of said City are hereby authorized to enter a contract with said Walter L. Huber in accordance with the terms and provisions of this resolution.

The foregoing Resolution No. 684 was then adopted by the following vote:

Ayes: Councilmen - Weihe, Keagle, Clark, Spooner and Steele

Resolution No. 685 was then introduced on motion of Councilman Spooner and Weihe's second.

RESOLUTION NO. 685

RESOLVED in the City Council of the City of Lodi, California this 21st day of August, 1933:

(1) That this City desires to conform to and abide by all the provisions of the National Recovery Act and all regulations issued pursuant thereto, in the operation of its water and electric supply systems;

(2) That in furtherance of the purpose above stated, the Mayor of this City be, and he is hereby empowered and directed to sign on behalf of this City, the National Code for the Electrical Industry entitled "CODE OF FAIR COMPETITION SUBMITTED IN SUBSTITUTION OF THE PRESIDENT'S RE-EMPLOYMENT AGREEMENT FOR ELECTRIC LIGHT AND POWER INDUSTRY OF THE UNITED STATES" approved August 11, 1933, PROVIDED, that said Mayor is fully satisfied upon proper investigation and inquiry that the signing of said substituted code is to the best interest of this City and in furtherance of the principals of said National Recovery Act, otherwise, he is herein expressly authorized and directed to sign the blanket code as approved by the President of this United States of America.

The foregoing Resolution No. 685 was then adopted by the following vote:

Ayes: Councilmen - Weihe, Keagle, Clark, Spooner and Steele

Resolution No. 683 was then introduced on motion of Councilman Spooner and Weihe's second.

COUNCIL CHAMBERS -- CITY COUNCIL
CITY HALL -- CITY OF LODI

RESOLUTION NO. 683

WHEREAS, the City of Lodi has heretofore entered into an agreement with the Colorado Power Company under which a certain power site consisting of real property located on the Mokelumne River a short distance below the Pardee Dam in Calaveras and Amador Counties was conveyed to the City of Lodi for the development of a municipal hydro-electric plant; and

WHEREAS, said property was accepted by the City Council of Lodi for use and development of a municipal power project thereon, subject to the conditions subsequent in the said conveyance therein set forth; and

WHEREAS, previous to the said conveyance litigation had ensued between the Colorado Power Company, the grantor of the City of Lodi, and the Pacific Gas and Electric Company, involving the right of the said Pacific Gas and Electric Company to construct and operate its proposed new Mokelumne development and thereby trespass upon the riparian right of the Colorado Power Company; and

WHEREAS, subsequently the Supreme Court of the State of California affirmed the decision of the Superior Court of Calaveras County thereby compelling the Pacific Gas and Electric Company to annually release and return to the said river, from storage and/or natural flow, an average daily release of 475 cubic feet per second for each day so long as there is water in any of the Pacific Gas and Electric Company's storage works; and

WHEREAS, following the said conveyance litigation ensued between the City of Lodi, and the East Bay Municipal Utility District involving the extent of the right to the use of the natural flow of the Mokelumne River at said site by the City of Lodi as opposed to the asserted right of the East Bay Municipal Utility District to condemn and extinguish said water right to the extent of its proposed ultimate operations, which litigation has now been finally terminated and the said District having acquired its said asserted right.

WHEREAS, for the purpose of protecting the City's municipal water supply, the City of Lodi has prosecuted additional litigation against said East Bay Municipal Utility District and Pacific Gas and Electric Company in the Superior Court of the County of San Joaquin, to insure a sufficient flow in the Mokelumne River to maintain the percolation into the City's wells; and

WHEREAS, the Honorable Benjamin C. Jones, Judge, presiding in the Superior Court of San Joaquin County at said trial, has rendered and entered a judgment in favor of the City of Lodi requiring specific releases by the Pacific Gas and Electric Company and East Bay Municipal Utility District of certain flows of water; and

WHEREAS, such released flows, together with all other waters of the Mokelumne River, excepting only that portion diverted from the water shed for municipal and domestic uses, will pass over and across the property conveyed to the City of Lodi by the Colorado Power Company, and such waters will be available for the development of hydro-electric energy at the said City of Lodi power site; and

WHEREAS, the City Council believes that the present and future economic development of the City of Lodi and its adjacent territory is largely dependant upon securing an assured and independent source of hydro-electric power whereby electrical energy may be available at a low cost; and

WHEREAS, the City Council believes, from previous investigations, engineering studies and reports concerning potential power development at the site acquired from the Colorado Power Company and its application to the needs of the City of Lodi and adjacent territory, that it is desirable that an examination be made at

COUNCIL CHAMBERS--CITY COUNCIL
CITY HALL--CITY OF LODI

this time of the present possibility of utilizing said water releases as hereinbefore referred to, through a power plant, constructed by the City of Lodi on said lands acquired from said Colorado Power Company and the distribution of the electric energy therefrom to Lodi and a Utility District; and

WHEREAS, under the National Industrial Recovery Act passed by Congress of these United States, there are available Federal Funds for the development of Municipal Improvements through grants and loans of money to self supporting projects; and

WHEREAS, the City Council of the City of Lodi has heretofore employed Messrs. Nelson A. Eckart, Walter L. Huber and Fred C. Herrmann, Civil Engineers of high standing and reputation in the City and County of San Francisco, to investigate and report upon the project herein under consideration prior to the termination of the above mentioned litigation.

NOW THEREFORE BE IT RESOLVED: That in the opinion of the City Council of the City of Lodi, the present conditions dictate that further and immediate consideration be given to the development of the hereinbefore mentioned power project, and that the City Council should place itself in a position to fully and definitely inform the residents of Lodi and the adjacent territory of the feasibility of the proposed development; and be it

FURTHER RESOLVED, that for the purpose of obtaining such information the Mayor be and he is hereby authorized and directed to employ Consulting Engineers Messrs. Nelson A. Eckart, Walter L. Huber and Fred C. Herrmann to fully and completely investigate and report upon the present facts concerning costs, markets, financing and economic feasibility of the construction and operation of the Power Project as hereinbefore referred to and as it may be adapted to the needs of the City of Lodi and the adjacent territory.

FINALLY RESOLVED, that as soon as this information can be obtained the Mayor is requested to transmit the same to the City Council for its further consideration.

The foregoing Resolution No. 683 was then adopted by the following vote:

Ayes: Councilmen - Weihe, Keagle, Clark, Spooner and Steele

Resolution No. 686 was then introduced on motion of Councilman Weihe, Clark's second.

RESOLUTION NO. 686

WHEREAS, the City Council of the City of Lodi has heretofore passed and adopted its Resolution No. 683 wherein the Mayor of said City is authorized to employ Consulting Engineers Messrs. Nelson A. Eckart, Walter L. Huber, Fred C. Hermann, to investigate and report upon the present facts concerning costs, markets, financing and economic feasibility of the construction and operation of the power project owned by the City of Lodi and situated in Calaveras and Amador Counties immediately below the Pardee Dam on the Mokelumne River, as the said project may be adapted to the needs of the City of Lodi and adjacent territory; and

WHEREAS, the said Consulting Engineers have each tendered their services to the City of Lodi for the purpose of performing each and all of the above-mentioned services at a cost of \$50.00 per day to be paid each of said engineers respectively for such time as they may each consume in the performance of all of said services; and

COUNCIL CHAMBERS--CITY COUNCIL
CITY HALL--CITY OF LODI

WHEREAS, in consideration of the City of Lodi accepting the said services of said engineers, said engineers have each tendered to said City of Lodi their future services (if and when said power project may actually be constructed) for the doing of any and all other engineering work at the same per diem cost respectively.

NOW THEREFORE, BE IT RESOLVED: That the City of Lodi hereby accepts the said offer of each of said engineers, that is to say, their respective offers to fully and completely investigate and report upon the present facts concerning the costs, markets, financing and economic feasibility of the construction and operation of the power project hereinabove referred to as it may be adapted to the needs of the City of Lodi and the adjacent territory, and the Mayor of the City of Lodi is hereby authorized to employ the said consulting engineers respectively for such purposes and upon said respective per diems.

BE IT FURTHER RESOLVED: That if and when the power project shall actually be constructed, the Mayor of the City of Lodi is hereby authorized to employ any or all of said consulting engineers for the purpose of performing such additional engineering work necessary or incidental to the construction of said plant as to said City Council may seem fit and proper at and upon the said per diem of \$50.00 per day in accordance with the tender so made by said consulting engineers.

JRS

The foregoing Resolution No. 685 was then adopted by the following vote:

Ayes: Councilmen - Weihe, Keagle, Clark, Spooner and Steele

On motion of Councilman Weihe the City Council then adjourned to and until Tuesday September 5, 1933.

Attest:

J. R. Brainerd
City Clerk.

The foregoing minutes of a regular meeting of the City Council of the City of Lodi were read at a subsequent regular meeting of said Council held September 5, 1933 and approved without correction.

G. M. Steele

Mayor of the City of Lodi

September 5, 1933.